

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, claim 1 is amended, and claims 3 and 4 are added, leaving claims 1-4 pending with claim 1 being independent. No new matter has been added.

Examiner Interview

Applicants appreciate the Examiner interview granted by the Examiner in charge of the above-identified application. In the interview, the Examiner stated that if claim 1 were amended to further define the support rollers as “at least three support rollers being configured to come into simultaneous contact with an outer surface of a vial to hold and rotate the vial”, claim 1 would overcome the cited combination of prior art. Applicants note that the Examiner also stated that a final determination of allowability would be reserved until after this amendment was considered in light of a further search and consideration of the prior art.

Rejections Under 35 U.S.C. §103(a)

Claims 1 and 2 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yuyama (JP 2001-130504) in view of Hoffman (U.S. 3,765,991).

Applicants submit that the claims as now pending are allowable over the cited prior art. Specifically, amended independent claim 1 now recites a labeling apparatus, comprising at least three support rollers, each support roller of the at least three support rollers being configured to simultaneously come into contact with an outer surface of a vial to hold and rotate the vial.

As discussed with the Examiner, the cited prior art fails to disclose or render obvious such an apparatus. In particular, Hoffman fails to disclose that the alleged three rollers (i.e., D and 422) simultaneously come into contact with an outer surface of a vial to hold and rotate the vial. As noted in Fig. 1 of Hoffman, rollers 422 are significantly spaced apart, such that the arrangement recited in claim 1 is not possible.

Moreover, Applicants submit that one of ordinary skill in the art would not have modified Yuyama with Hoffman, such that the combination of Yuyama and Hoffman would have rendered claim 1 obvious, since any such modification would have rendered Yuyama inoperative for its intended purpose. In particular, if the Yuyama rollers had been modified by the Hoffman rollers

and endless belt (i.e., rollers positioned apart, such that the three rollers are incapable of simultaneously contacting a vial), Yuyama would have been rendered inoperative for their intended purpose. That is, holding and rotating a vessel in a stationary position. Therefore, Applicants submit that independent claim 1 and dependent claims are allowable over the cited prior art.

New Claims 3 and 4

Applicants submit that new claims 3 and 4 are allowable over the cited prior art for the reasons set forth above, since each of these claims is dependent from independent claim 1. Moreover, each of these claims recites additional subject matter that further distinguishes them over the cited prior art. For example, new claim 3 recites that the endless member is arranged so as to simultaneously contact the vial and the first and second support rollers, as each label is in the attaching process. While, in the interview, the Examiner stated that the amendments to claim 1, discussed above, would overcome the cited prior art, in the Interview Summary dated March 30, 2010, the Examiner indicated that the language recited in new claim 3 would overcome the cited prior art. Therefore, new claim 3 has been included to add subject matter specifically indicated by the Examiner as allowable over the cited prior art.

With respect to new claim 4, claim 4 recites that the vial simultaneously contacts the endless member and the first and second support rollers, as each label is in the attaching process. Such a structure is neither disclosed nor rendered obvious by the cited prior art. Therefore, Applicants submit that claim 4 is allowable over the cited prior art.

Conclusion

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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/Jeffrey J. Howell/

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